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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 FELIX VINCENT SITTHIVONG,

10 Petitioner,

11 v.

12 MIKE OBENLAND,

13 Respondent.
14

Case No. C14-1876RSL

ORDER GRANTING IN
PART PETITIONER'S
THIRD MOTION FOR AN
EXTENSION OF TIME

15 This matter comes before the Court on petitioner's third motion for an extension of time
16 in which to file objections to the Report and Recommendation of the Honorable Michelle L.
17 Peterson, United States Magistrate Judge (Dkt. # 49). Petitioner also has an outstanding "motion
18 for the Court to rule on the merit of the initial petitioner's filings" (Dkt. # 42). Since petitioner
19 filed the latter motion, Judge Peterson issued her Report and Recommendation on the merits
20 (Dkt. # 43), petitioner filed two previous requests for extensions of time in which to file
21 objections to this Report and Recommendation (Dkts. # 44, # 46), and the Court granted
22 petitioner additional time (Dkts. # 45, # 48). As a result of the Court's most recent extension of
23 time, petitioner has had approximately seven months to file objections. Given that petitioner
24 appears to no longer be seeking a Court ruling based only on the merit of his initial filings, as he
25 continues to seek additional time to file objections, the Court DENIES this motion (Dkt. # 42) as
26 moot.

27 Turning to petitioner's third request for an extension of time (Dkt. # 49), the government
28 responds that the Court should deny petitioner's motion because it is untimely and his
ORDER GRANTING IN PART PETITIONER'S THIRD
MOTION FOR AN EXTENSION OF TIME - 1

1 explanation for this third extension is inadequate. Dkt. # 50 at 2–3. Regarding timeliness,
2 petitioner filed his motion on July 1, 2021, Dkt. # 49, two weeks after the due date for filing
3 objections, which was June 17, 2021. Dkt. # 48. Petitioner’s reply explains that he attempted to
4 secure scanning services via the law library at his correctional facility in a timely manner, to no
5 avail.¹ Dkt. # 51 at 1–3. In particular, petitioner states that on June 14, 2021, he submitted a
6 request to the law library regarding scanning services for June 16, 2021, and due to a “school
7 conflict,” the law library only permitted him access at times on June 16, 2021 when none of the
8 staff available onsite would be authorized to scan his motion. Id. at 1–2. Petitioner explains that
9 he went to the law library anyway and attempted to secure legal scanning services. Id. The Court
10 finds that good cause exists for petitioner’s delay in filing his motion.

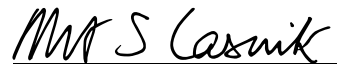
11 With respect to petitioner’s justification for a third extension, petitioner explains that
12 conditions at his facility have not changed since his last request for an extension, and that the
13 facility “has refused to ease any restrictions” such that law library access remains extremely
14 limited. Dkt. # 49 at 2. While petitioner does appear to be facing challenges with scheduling
15 access to the law library, it also appears that at least some access is occurring. Based on the
16 limited details petitioner has shared, the Court will grant an additional 60-day extension for him
17 to file objections, but petitioner has not sufficiently explained what he has been doing to make
18 progress on preparing his objections to justify another 90-day extension. To the extent petitioner
19 finds that an additional 60-days will be inadequate, then in any future motions for an extension,
20 petitioner will be expected to explain what precisely he has been doing to prepare his objections,
21 and to detail what specific barriers (if any) prevent him from filing timely objections.

22 For all of the foregoing reasons, the Court hereby GRANTS IN PART petitioner’s
23 request (Dkt. # 49) by providing him an additional 60-day extension of time in which to file
24 objections. The Clerk of Court is directed to renote the Report and Recommendation on the
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26 ¹ Petitioner’s reply was filed on July 20, 2021, four days after the July 16, 2021 noting date for
27 petitioner’s motion. Nevertheless, the Court prefers to address the merits of petitioner’s arguments,
28 particularly given that petitioner is alleging that law library access has been a barrier to petitioner
making timely filings.

1 Court's calendar for September 3, 2021. Petitioner's objections, if any, are due on or before
2 August 16, 2021. Additionally, the Court DENIES petitioner's "motion for the Court to rule on
3 the merit of the initial petitioner's filings" (Dkt. # 42) as moot.

4 DATED this 22nd day of July, 2021.
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8 Robert S. Lasnik
9 United States District Judge
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